App. F. IX-4

1936. (Land

File No. 61-36

Previous References
Land 13-35-36

Serial Nos. 1-4

Letter References.
Law. 30/1947

PRESERVED ✓ Preserve

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Four

Part B for January 1937.

SUBJECT.

Further instructions regarding the entrusting of Court-ordered Sport cases to Advocates other than Government Law Officers.

Govt P 4170-42318 5-1937 Govt Press

WD 0418—GPB—22,500—29-8-36

Pass order as amended above.
Mabbs

M Lyons
16/2/37.

1267
1480

Serial No.

From

The P. Pr B'lore

No. 360/36-37, D) 24-8-36 soliciting the modification of the G.O.

The P. Pr says that sometimes cases are posted in Various Courts all of which cannot be attended to by his juniors Messrs G. S. Venkataramana Iyer & S. P. Shamanna On such occasions Cases are said to be entrusted to other advocates. One Mr. E. S. Venkataramanan is said to be handling impt Govt cases When the P. Pr is unable to attend to them himself. P. Pr is of opinion that if orders have to be obtained ad for each case, there will be increase of correspondence. Hence he requests for the modification of the G.O.

Incidentally he requests for another Clerk and a typist to be included in his establishment in view of the fact of Volm work in his office.

Subd for orders.

There is no specific request to this effect

20/8

Put up the file bearing No of 8-8-36

20/8

letter No. 310, D) 1-9-36 from the P. Pr, Mysore mentioning the names Counsels to whom entrusts Govt Cases

Subd Law file 13-35 is put up.

14/9

Please ask the P. Pr to discuss this matter with me

14/9

NOTE—Contn. Sheet.

2 1440

File No. of 193 .

General and Revenue Secretariat

Subd a dft for approval

14/9

Issue
sd/
15/9

Subd. for orders. If replies from the other Law officers may be awaited

15/9

Yr. Please convey
GA & PP Shimoga

sd/
15/9

Subd a dft for approval

16/9

Issue
sd/
16/9

To

The G.A. & P.P. Shimoga

No. P-19377, Dt 17-9-36.

Sus A
17-9-36

From

The Govt. Advocate

Letter no. 244 - Dt 26th Sept 36

G.A. Requests for a reconsideration of the G.O. in question in view of the points raised in P.V.D.

Subd for orders.

28-9-36

7153

General & Revenue Secretariat. | File No. of 193 . | [App. F. III–2

Serial No.

SECRETARIAT
28 SEP 1936
108

I think the difficulty represented is real. I have suggested certain modifications in the G.O. of 8 Aug 36 to get over these difficulties. The modifications may perhaps be approved after consulting the G.A.

Gen Secy) 28/10

As directed, I consulted the G.A in the matter. He suggests two alternatives, one is to remove all refers to the G.A in the Circular & make it applicable only to the P.Ps or to do change the modification proposed at 'A' in the draft so that the G.A. need not be called upon to send reports on all occasions on which the entrusts cases to other advocates. I think the latter may be accepted.

SECRETARIAT
9 NOV 1936
190

Gen Secy) 9/11/36

A to Secy.
Please draft an order modifying the previous order as suggested. 18/11

Please put up a typed draft as revised.

25.11.36

NOTE—Contn. Sheet.

4

1937

File No. of 193 .

General and Revenue Secretariat

Subd with a typed dft.

G.O. Draft is submitted for approval

(Gen. Secy) BKR 26.11.36

GENERAL SECRETARY. 26 NOV. 1936 686

Please type as revised & put up

Sd/- 26/11

Sd/- 1/12

BKR 2-12-36.

x x x Sd/- Please put up typed dft

MDR 3/12/36

TYP 3. DEC. 1936 GENL & REVENUE SECTT

Fair dft. Submitted

Sd/- 3/12

(Gen. Secy) BKR 3.12.36

Received instructions vide pers. Type the draft as revised

BKR 9.12

Sd/- 4/12

Subd with typed dft.

(Gen Secy) BKR 11.12

GENERAL SECRETARY. 3 - DEC. 1936 999

The Govt Advocate and the Public Prosecutor Bangalore desire some elucidation in the instructions issued in the G.O. dated 16/8/36 regarding the entrustment of cases to Juniors and other advocates.

A draft order for meeting the difficulty is subd for consideration & orders pl

(Gen Secy) 16/12

BKR 18.12

GENERAL SECRETARY. 12 DEC. 1936 1159

(Gen Secy) 15/12

G. O. No. 4170-4231, dated 5/1-37 21/12

BKR 21.12

B 50-1-37

ORIGINAL IN THE FIRST RECORD OF RIGHTS 22 DEC. 1936 GENL & REV. SECTT

Serial No.

Before issuing ~~final~~ further instruction in G. O. No. P 4170, dt 5-1-37 (Copy placed below) the G. A. and the P. Bds were requested to send a list of names of juniors working with them. Reference have accordingly been received from all except the P. Bd, Shimoga Dn. It is for orders when he should be reminded. As per, Shimoga ~~Bd~~ has not sent any report, it should probably mean P. Bd Shimoga has no juniors working with him. It is unnecessary to write to him on the subject

BSR
13.2.37

B
13-2-37

WD 0417--GPB—80,000-8-9-36

1267 p.36

No. 369/36-37

Enc. ... ...

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION.

DISTRICT OFFICE BUILDINGS,

Bangalore, 24th August 193 6

Law-8/36-1

FROM

G.S. Doraswamy Iyer, Esq.,B.A.,B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

To

The General Secretary to the Government of H.H. the Maharaja of Mysore, Bangalore.

25 AUG. 1936

Sir,

I have the honour to acknowledge receipt of a copy of G.O. No.P.1009-70 Law 13-35-38 dated the 6/8th August 1936 and to state that while fully appreciating the responsibility regarding the proper conduct of cases in which Government are interested, there are certain matters which I would like to represent for the consideration of Government.

In my office and chambers there are two junior counsel who are assisting me in my work. Their names are noted in the margin.

1. Mr. G.S. Venkataramana Iyer, B.Sc.,M.L.,
2. Mr. S.P. Shamanna, B.A.,LL.B.,

In addition to these Mr. E.S. Venkataramānan, B.A.,B.L., a counsel senior to me with whom I have been associated in practice for several years, also attends to important Government cases when I am unable to attend to them as a matter of personal obligation only. He cannot however under any circumstances be called a junior counsel. It invariably happens that cases of Government are suddenly posted in all the courts or in most of them. No court will grant an adjournment of any case solely on the ground of there being work in another court. The practice has been to arrange for the work and the distribution of the work between the various counsel with due regard to the importance of the case, the nature thereof and the complications involved and convenience of the counsel and to various other circumstances It sometimes happens that cases are posted in the various courts which cannot be attended to by the abovementioned counsel although

although on such days they devote their whole time to the Government work to oblige me. On such days according to the recognised traditions and practice of the bar, other advocates are entrusted with the work having due regard to the nature of the cases and the experience of the counsel. In most cases they are not juniors in the recognised sense of the word. As the cases are posted at short intervals it will not be possible or practicable to obtain orders in the matter. If orders in each case have to be obtained it will involve voluminous correspondence and increase the volume of work of this office and the various departments of Government and even then may not be possible to obtain orders of Government in time. While fully appreciating the responsibilities in connection with Government cases I request that in consideration of the above facts and considering that there a large number of cases always pending in this office, that the orders now issued may kindly be suitably modified. In this connection I bring to the notice of Government that the work is so voluminious that in addition to the permanent clerk attached to this office, another clerk and an extra typist are very often engaged at my own cost to attend to the Government cases. Untill now all the cases and the correspondence relating thereto have been attended promptly by arrangements with the counsels associated with me and with little or no additional expense to Government.

I have the honour

Sir,
Your most obedient servant,

Public Prosecutor.

1448 of 1938

19

From

The Public Prosecutor
Nagara Division,
Nagara

To

The General Secretary,
to the Government of
H.H. the Maharaja of
Mysore, Bangalore.

Dated 1-9-1938

Despatched

Received

General No. 310
No.

Enclosure No.

GENERAL BRANCH
2-SEP.1938

Sir,

Pursuant to the direction contained in G.O. No. 1009-70 Law, 13-35-38 dated 6/8 15 August 1938 I have the honour to report that the legal practitioners named in the margin usually appear for me at present on behalf of Government in the Courts of the Nagara District whenever I happen to be absent from the station or engaged in other Courts. They act and plead in my stead under my instructions. I take full responsibility for the conduct of the work entrusted to them.

I have the honour to be
Sir,
Your most obedient servant,
K Ramaswamy
Public Prosecutor.

1. Mr. S.K. Subba Rao,
B.A. B.L, pleader

2. Mr. A.V. Venkatarangaiya,
B.A.L.L.B, pleader

3. Mr. P. Subba Rao
pleader.

C,

GENERAL AND REVENUE SECRETARIAT,

D. O. No.

Bangalore, Dated, 15th Septr. 1936.

Dear Mr. Doraswamy Iyer,

With reference to your letter No. 360/36-37 dated 24th August 1936 regarding the Government Order of 8th August 1936 issuing instructions about your entrusting Government cases to other Advocates, I shall be glad to discuss the matter with you.

Yours sincerely,

I have talked with the Secy 15/9

G. S. Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor, Bangalore.

Appendix F G—1]

SUBJECT.....

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.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193* .

Date of issue.....

Signed by .....

List of enclosures.....

Copied by .....

Examined by.....

Section

File No.

Serial No.

No.

To

Dear Mr. Doreswamy Iyer,

With Reference to your letter No. 360/36-37, dt 24th Apl: 36 Requesting regarding the G.O of 8.2.36 issuing instructions about Govt entrusting Govt Cases to other advocates, I shall be glad ~~am desired to~~ ~~Request you~~ to discuss the matter with me

Yours Sincerely.

pp
1/5/36

To

Sd/- S. Doreswamy Iyer Esqr B.A, B.L.
P. Pr
Bellore

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 1937-8

Dated, Bangalore, 17-9- *1936*

From

H. Venkatesa Iyengar, Esquire, M.A.,
General Secretary to the Government of His Highness the Maharaja of Mysore.

To

Sir,

I am directed to invite kind reference to Government Order No. P. 1009-70/Law 13-35-38 dated the 6th/8th August 1936 and to enquire about the names of Lawyers if any working with you and likely to be entrusted with Government cases.

I have the honor to be,
S i r ,
Your most obedient servant,

for General Secretary to Government.

P.H.

Appendix F G—1]

SUBJECT.....

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Section

File No.

Serial No.

Diary No. of letter replied to.....

No. P 1937-2

To.

The Govt Advocate.
P. P., Shimoga

Sir,

I am directed to invite
~~your~~ Kind reference to G.O
No. P 1009-70-Law 13-35-38,
dt 6-8th Aug; 36 ~~inviting your~~
~~about entrusting Govt Cases to~~
~~other Advocates~~, and to ~~Inquire~~
about the names of lawyers early if any
~~to expedite and Reply~~
~~Furnish particulars of any Def~~
~~in the matter working in your Dist~~
~~other than Vakils and shall appear~~
~~for you. required under the Go~~.
I have etc:

General and Revenue Secretariat

( )

the 193

Date of issue 17.9.36

Signed by Mr. N. R. J. R.

Inquire

The necessary

working with you +

That

likely to be entrusted

with Govt cases - -

List of enclosures.....

Copied by .....

Examined by.....

me

for Gen: Secy.

WD 03601—GPB—30,000—23-9-35

1975 236 pt 2 6

GOVERNMENT ADVOCATE'S CHAMBERS,
PUBLIC OFFICES,

D. O. No. 2414

Bangalore, 26th Septr. 193 6.

Law 81-36-3

Dear Mr. Venkatesa Iyengar,

In connection with G. O. No. P.1009-70/Law.13-35-38 dated the 6th/8th August 1936, re: entrusting of the conduct of Government cases to Advocates other than the Government Law Officers, I have mentioned to you in person the practical difficulties experienced in the conduct of such cases - before the High Court. There is practically no work of a 'merely or almost formal' nature to be done here, as only cases ready for hearing are taken up, involving the actual conduct of such cases. The only work that can be called formal is to apply for adjournments and adjournments are not usually granted except for special reasons. It will thus be seen that the actual conduct of cases before the different Benches of the High Court - there will invariably be two Courts sitting simultaneously every day and three at least once a week - will have to be arranged for and this has been the practice all along till now. As adjournments are not also generally granted it will become necessary to make suitable arrangements to go on with the cases according to the work each day so that the interests of Government may not suffer. It will become very difficult to get on with the work if the discretion to arrange for the same is not left to me and also if it should be restricted only to the appearance of my Juniors. No doubt my Juniors (whose names are noted in the margin)

(1) Mr. A.R.Somanatha Iyer, B.A.,LL.B., Advocate.
(2) Mr. D.R.Narasinga Rao, B.A.,LL.B., Advocate.
(3) Mr. H.G.Heblikar, B.A.,LL.B., Advocate.

have been appearing for me in some cases but on several occasions I have had the advantage of the kind services

of some

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of some of the Senior Members of the profession and such arrangements would not at all be possible hereafter. I therefore request you to kindly place all the above matters before Government for a kind reconsideration of the Order in question.

Yours sincerely,

M. Rangaswami Iyer

M. Venkatesa Iyengar, Esq.,M.A.,
General Secretary to Government,
BANGALORE.

Government of his highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. P. 1009-70—Law 13-35-38, dated 6—8th August 1936.

Conduct of Government Cases.

Issues instructions regarding the entrusting of the —— to Advocates other than the Government Law Officers.

READ—

Correspondence ending with letter No. 1195, dated 27th May 1936, from the Public Prosecutor, Bangalore, explaining the circumstances under which he had to depute Mr. S. P. Shamanna, Advocate, Bangalore, to conduct Criminal Appeal 11 of 1934-35 on the file of the Sessions Judge, Bangalore.

ORDER No. P. 1009-70—LAW 13-35-38, DATED BANGALORE, THE 6—8TH AUGUST 1936.

The Rules for the conduct of Legal Affairs of Government do not empower either the Government Advocate or a Public Prosecutor to entrust Government cases to others except with the sanction of Government and in some cases of the District Magistrates concerned. It is however represented that it is sometimes difficult for the Government Advocate or the Public Prosecutor, as the case may be, when there are a number of courts, and cases entrusted to them are posted in several of them on one day, to attend to all the cases in person. Juniors working with these Advocates are asked in such circumstances to attend to some of the Government cases, and it is stated that it is not possible to take the previous consent or approval of the Government or the Officer concerned to such arrangements.

Government consider that the difficulty brought to notice is real and direct that the Government Advocate or a Public Prosecutor may depute a junior working with him to appear for him in Government cases when the work to be attended to is ~~merely or almost formal~~. It is however necessary for Government to have information of the arrangements ~~likely to be~~ made in such cases by the Government Advocate or the Public Prosecutor. They are therefore pleased to direct that the names of the Lawyers working with the Government Advocate as juniors and likely to be entrusted with such work be reported to Government and the names of those working similarly with the Public Prosecutors to Government as well as to the District Magistrates concerned. Though a junior may appear for the Government Advocate or the Public Prosecutor, as the case may be, in such cases, the responsibility for the proper conduct of the cases will be that of the Government Law Officer concerned.

Whenever the Government Advocate or the Public Prosecutor finds it necessary to take the assistance of some advocate other than a junior whose name is already on record with Government, the matter should be reported to Government or the Officer authorised in this behalf and previous sanction obtained.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

To—The Government Advocate.
The Public Prosecutors, Bangalore, Shimoga and Mysore Divisions.
The District Magistrates and Deputy Commissioners of Districts.
The Heads of Departments.
The Secretaries to Government.

Exd.—B. G. S.

WD 231—GPB—425—17-8-36

Proceedings of the Government of H.H. the Maharaja of Mysore.

Read :-

G.O.No.P.1009-70/Law 13-35-38 dated the 6/8th August 1936 issuing instructions regarding the entrusting of the conduct of Government cases to advocates other than the Government Law Officers.

2. Letter No.360 dated the 24th August 1936 from the Public Prosecutor, Bangalore.

3. D.O.letter No.244 dated the 26th September 1936 from the Government Advocate.

ORDER NO. P 4170-4231. Law 81-36-4

BANGALORE, DATED, 8th DECEMBER 1936. 8 Jany 1937

In the G.O. dated 8th August 1936 read above, instructions were issued permitting the Law Officers of Government to entrust to their juniors work in which the appearance is purely or almost formal, and requiring that previous sanction be taken in each case when they have to entrust work to Advocates other than their juniors whose names are on record with Government.

2. The Government Advocate and Public Prosecutor, Bangalore have represented certain difficulties in entrusting only formal work to juniors and the Government Advocate states that he has sometimes to entrust work to other senior members of the bar and that it would be difficult to take previous sanction in such cases.

3. On further consideration of the matter Government are pleased to direct that the Government Law Officer may, at his ~~discre~~-

12

discretion, entrust to a junior or colleague working with him work not merely formal and that occasionally where he finds it necessary he may entrust a case to another Advocate and that he need not take previous sanction of Government for doing so, but may report the matter to Government or the Officer authorised in this behalf, after such arrangement is made. As observed in the Government Order dated 8-8-1936 read above, the responsibilty for the proper conduct of all such cases will rest with the Law Officer concerned.

24/4/36

General Secretary to Govt.

To

The Government Advocate in Mysore.
" Public Prosecutor, Bangalore, Shimoga and Mysore Divisions.
" District Magistrates and Deputy Commissioners of Districts.
" Secretaries to Government.
" Heads of Departments.

S. O.

Government of his highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. P. 4170-4231—Law 81-36-4, dated 5th January 1937.

Conduct of Government Cases.

Issues further instructions regarding the entrusting of the —— to Advocates other than the Government Law Officers.

READ—

Government Order No. P. 1009-70—Law 13-35-38, dated the 6—8th August 1936, issuing instructions regarding the entrusting of the conduct of Government cases to Advocates other than the Government Law Officers.

2. Letter No. 360, dated the 24th August 1936, from the Public Prosecutor, Bangalore.

3. D. O. Letter No. 244, dated the 26th September 1936, from the Government Advocate.

ORDER No. P. 4170-4231—LAW 81-36-4, DATED BANGALORE, THE 5TH JANUARY 1937.

In the Government Order, dated 8th August 1936, read above, instructions were issued permitting the Law Officers of Government to entrust to their juniors work in which the appearance is purely or almost formal, and requiring that previous sanction be taken in each case when they have to entrust work to Advocates other than their juniors whose names are on record with Government.

2. The Government Advocate and Public Prosecutor, Bangalore, have represented certain difficulties in entrusting only formal work to juniors and the Government Advocate states that he has sometimes to entrust work to other senior members of the bar and that it would be difficult to take previous sanction in such cases.

3. On further consideration of the matter, Government are pleased to direct that the Government Law Officer may at his discretion, entrust to a junior or colleague working with him work not merely formal and that occasionally where he finds it necessary he may entrust a case to another Advocate and that he need not take previous sanction of Government for doing so, but may report the matter to Government or the Officer authorised in this behalf, after such arrangement is made. As observed in the Government Order, dated 8th August 1936, read above, the responsibility for the proper conduct of all such cases will rest with the Law Officer concerned.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

To—The Government Advocate in Mysore.
The Public Prosecutor, Shimoga and Mysore Divisions. + Bangalore
The District Magistrates and Deputy Commissioners of Districts.
The Secretaries to Government.
The Heads of Departments

Exd.—C. K.

W D 1224—GPB—565—8-1-37